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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIE BRIGHT,

Plaintiff,

-against-

ANTHONY ANNUCCI, et al.,

Defendants.

18-cv-11111 (NSR)

SEVENTH SUPPLEMENTAL ORDER
OF SERVICE

NELSON S. ROMÁN, United States District Judge:

Plaintiff Willie Bright, proceeding *pro se*, commenced this 42 U.S.C. § 1983 action against Defendants Anthony Annucci, Thomas Griffin, Donald Wilkins, Sergeant M. Blot, Dr. Karuchee, Officer R. Kelly, Officer CJ Dillon, Officer Rogers, Sergeant Johanni, Officer Freeman, OSI Inspector H. Pharr, OSI Deputy Chief Y. Urracia, Dr. Bentivegna, OMH Jane Doe, John Does 1 and 2, and Colleen Gleason through a Complaint filed on November 28, 2018. (ECF No. 2.) Plaintiff was granted permission to proceed *in forma pauperis* on December 27, 2018.

John Does 1 and 2 and OMH Jane Doe were identified in the Court's Second Supplemental Order of Service, dated April 30, 2019, as C.O. Yitzchak Sudranski, C.O. Ersan Kahyaoglu, and Nurse Suzanne Roessel. (ECF No. 45.) On July 25, 2019, Plaintiff filed an Amended Complaint adding Defendants Adam Barter, "Russo," John Does 1 and 2, and Jane Doe. (ECF No. 57.)

On November 8, 2019, the Court issued a Third Supplemental Order of Service which, *inter alia*, directed service upon Adam Barter and further directed Defendants' counsel, the New York State Attorney General (the "NYAG"), to provide the identities of Russo, John Does 1 and 2, and Jane Doe. (ECF No. 66.)

Russo, one of the John Does, and Jane Doe were identified in the Fourth Supplemental Order of Service dated January 10, 2020, as Irma Russo, Anthony Ruvo, and Charlene Cody, respectively, and the Court directed service upon those Defendants. (ECF No. 70.) However,

based on the information provided by Plaintiff in the Amended Complaint, the NYAG was unable to identify the “John Doe” correction officer who responded to Plaintiff’s complaint of sexual assault on February 28, 2016. (*Id.*) Accordingly, the Court directed Plaintiff to provide further descriptive information to assist Defendants in identifying the John Doe correction officer. (*Id.*) Plaintiff provided such information to Defendants on February 28, 2020. (ECF No. 78.) By letter dated March 9, 2020, the NYAG identified the John Doe correction officer as Lieutenant Orazio Bucolo. (ECF No. 80.)

On March 13, 2020, the Court issued a Fifth Supplemental Order of Service which directed service upon Lieutenant Orazio Bucolo. (ECF No. 81.)

On December 3, 2021, Plaintiff filed a Second Amended Complaint, adding Defendant Nurse M. Schmidt. (ECF No. 122.) Plaintiff later requested leave to file a supplemental complaint (ECF No. 125), but this Court denied Plaintiff’s request by order dated December 27, 2022 (ECF No. 199). The Second Amended Complaint is the operative complaint.

On January 3, 2023, the Court issued a Sixth Supplemental Order of Service which directed service upon Nurse M. Schmidt. (ECF No. 203.) The U.S. Marshals Service attempted service upon Defendant Schmidt at Green Haven Correctional Facility, but Defendant Schmidt is not employed there. (ECF No. 210.) The receipt of service was returned unexecuted. (*Id.*) Accordingly, this Court ordered NYAG to ascertain the address of Defendant Schmidt. (ECF No. 211.) NYAG did so by letter dated April 14, 2023. (ECF No. 215.)

To allow Plaintiff to effect service on Defendant Schmidt through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for Defendant Schmidt. The service address for Defendant Schmidt is: Nurse Myra Schmidt, New York State Department of Corrections and Community

Supervision, The Harriman State Campus, Building 2, c/o Office of Counsel, 1220 Washington Avenue, Albany, New York 12226-2050.

The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon Defendant Schmidt.

It is Plaintiff's responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff must also notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff at the address listed on ECF and show service on the docket.

SO ORDERED.

Dated: April 21, 2023
White Plains, New York



NELSON S. ROMÁN
United States District Judge